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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,363	09/30/2003	Reynolds E. Moulton III	DGP-004CP	3233
7590	03/23/2005		EXAMINER [REDACTED]	PARSLEY, DAVID J
DAVID J. RIKERS BROWN RUDNICK BERLACK ISRAELS LLP ONE FINANCIAL CENTER BOSTON, MA 02111			ART UNIT 3643	PAPER NUMBER

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/676,363	MOULTON, REYNOLDS E.	
	Examiner	Art Unit	
	David J Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 January 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-11-05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Election/Restrictions

1. Applicant's election of species A in the reply filed on 1-10-05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 20-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species B, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1-10-05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,852,988 To Gish.

Referring to claim 1, Gish discloses a coupler for use with a belt for coupling an operator to a subject comprising, a sheath – at 24 in the form of a loop – see figure 2, to receive a belt – at 26, through the loop – see figure 2, and a rotating connector – at 17-23, having a base – see

proximate 24, fixed to the sheath, and a rotatable mount – at 20'-23, mounted relative to the base, wherein an extension leash – at 11 or 12 or 13, may be coupled to the rotatable mount and rotate relative to the sheath – see proximate 17 in figure 2.

Referring to claim 2, Gish discloses the sheath – at 24, is adapted to slide along the belt – at 26 – see for example figure 2.

Referring to claim 3, Gish discloses the rotatable mount comprises a shaft – at 22, a portion of which is located within the base – see proximate 23 in figure 2, and an attachment device – at 17, and/or 20' and/or 23, mounted to the shaft – see for example figure 2.

Referring to claim 4, Gish discloses the attachment device – at 17 and/or 23, prevents removal of the shaft – at 22, from the base – see for example figure 2.

Referring to claim 5, Gish discloses the shaft – at 22, rotates relative to the base – see proximate 23, about a first axis and the attachment device – at 20', rotates relative to the shaft – see for example figure 2.

Referring to claim 6, Gish discloses the attachment device – at 20', rotates relative to the shaft – at 22, about a second axis – proximate 21, perpendicular to the first axis – see for example figure 2.

Referring to claim 7, Gish discloses a retention disk – at 17, positioned about the shaft – at 22, proximate the attachment device – at 20' or 23 – see for example figure 2.

Referring to claim 8, Gish discloses the attachment device – at 20', is rotatably mounted to the shaft – at 22 – see proximate 17 in figure 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish in view of U.S. Patent No. 5,038,719 to McDonough.

Referring to claim 9, Gish discloses a subject-retention system comprising, a belt – at 26, adapted to be mounted about an operator – at 35 – see for example figure 1, a sheath – at 24, in the form of a loop to receive the belt through the loop – see for example figure 2, and a rotating connector – at 17-23, having a base – see proximate 24, fixed to the sheath and a rotatable mount – at 20'-23, rotatably and permanently mounted relative to the base, an extension leash – at 11 or 12 or 13, having a connector – at 30,30', adapted to connect to the rotatable mount and rotate relative to the sheath – see for example figure 2. Gish does not disclose the belt wraps around the waist of a user. McDonough does disclose the belt – at 11 wraps around the waist of the user – at 13 – see for example figures 1-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Gish and add the belt wrapped around the waist of the user of McDonough, so as to allow for the leash to not be forced from the user by the animal.

Referring to claim 10, Gish as modified by McDonough further discloses the sheath – at 43-45, is in the form of an openable loop – at 44,45 – see for example figure 4 of McDonough.

Referring to claim 12, Gish as modified by McDonough further discloses the sheath – at 24 of Gish, is in the form of a permanently closed loop – see for example figure 2 of Gish.

Referring to claim 13, Gish as modified by McDonough further discloses the sheath – at 24 of Gish or – at 43-45 of McDonough is adapted to slide along the belt – at 26 of Gish and – at 11 of McDonough – see for example figure 2 of Gish and figures 1-4 of McDonough.

Referring to claim 14, Gish as modified by McDonough further discloses a quick release connector – at 18 and/or 18', located along the extension leash – at 11-13 via 30-30', to enable a first portion of the extension leash to remain coupled to the belt – at 26, and a second portion of the extension leash to be detached from the belt – see for example figures 1-2 of Gish.

Referring to claim 15, Gish as modified by McDonough further discloses a manual loop – at 31 and/or 28, mounted to the second portion of the extension leash – see for example figures 1-2 of Gish.

Referring to claim 16, Gish as modified by McDonough further discloses an elastic portion – at 11-13 and proximate the ends of 11-13 in figures 1-2 of Gish and – at 12 and proximate the ends of 12 in figure 4 of McDonough.

Referring to claim 17, Gish as modified by McDonough further discloses the rotatable mount comprises a shaft – at 22, a portion of which is located within the base – see proximate 23 in figure 2 of Gish, and an attachment device – at 17, and/or 20' and/or 23, mounted to the shaft – see for example figure 2 of Gish.

Referring to claim 18, Gish as modified by McDonough further discloses the attachment device – at 17 and/or 23, prevents removal of the shaft – at 22, from the base – see for example figure 2 of Gish.

Referring to claim 19, Gish as modified by McDonough further discloses the shaft – at 22, rotates relative to the base – see proximate 23, about a first axis and the attachment device – at 20', rotates relative to the shaft – see for example figure 2 of Gish.

Referring to claim 6, Gish discloses the attachment device – at 20', rotates relative to the shaft – at 22, about a second axis – proximate 21, perpendicular to the first axis – see for example figure 2.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gish as modified by McDonough as applied to claim 10 above, and further in view of U.S. Patent No. 5,598,812 to Graham et al. Gish as modified by McDonough does not disclose a hook and loop fastener configured to allow the loop to be opened and closed. Graham et al. does disclose a hook and loop fastener – at 9-10, configured to allow the loop – see at 8 in figure 2, to be opened and closed – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Gish as modified by McDonough and add the hook and loop fasteners of Graham et al., so as to allow for the device to be made adjustable to differing sizes of users.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to animal collars and leashes in general:

U.S. Pat. No. 144,198 to Ford – shows leash and collar

U.S. Pat. No. 2,827,017 to Ryan – shows leash and collar

U.S. Pat. No. 5,103,771 to Lee – shows leash with quick release coupling

U.S. Pat. No. 5,161,486 to Brown – shows leash with belt worn around waist

U.S. Pat. No. 6,499,437 to Sorensen et al. – shows leash and collar

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP
David Parsley
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Art Unit 3643

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER